

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2209.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF CANNED CORN.

On June 3, 1912, the United States Attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 30 cases, each containing two dozen cans of corn, remaining unsold and in the original unbroken packages and in the possession of the Larson Bros. Wholesale Grocery Co., Kansas City, Kans., alleging that the product had been shipped on or about July 5, 1911, by the McManus-Heryer Brokerage Co., Kansas City, Mo., and transported from the State of Missouri into the State of Kansas, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: (On cases) "2 Doz. Cans Storm Lake Brand Corn, Sac City Canning Co., Storm Lake, Ia." (On Cans) "Storm Lake Brand Sugar Corn (Design ear of corn) This can contains sugar corn, cane sugar, salt and water. Average weight of contents 21 oz. U. S. Serial No. 8944; Guaranteed under the Food & Drugs Act, June 30, 1906; by the Sac City Canning Co., Storm Lake Brand, Packed by Sac City Canning Co., Sac City, Iowa."

Misbranding of the product was alleged in the libel for the reason that it was put up in packages, cans, or units and the amount of so-called sugar corn contained in each of the packages was stated in terms of weight thereon, but not correctly stated, on the outside of each of said packages, said label or statement being such as to deceive or mislead the purchaser into the belief that each of the packages contained 21 ounces of the product, when in truth and in fact each of the cans contained a lesser amount.

On October 12, 1912, the said McManus-Heryer Brokerage Co., claimant, having presented a motion to discharge the product upon giving a bond in payment of the costs, it was ordered by the court that the proceedings should be dismissed and the product should be released and delivered to said claimant, upon payment of the costs of the proceedings and the execution of bond in the sum of \$500 in conformity with section 10 of the Act.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *January 16, 1913.*